639. The Special Rapporteur is gravely concerned that the treatment to which these two human rights defenders have apparently been subjected fits into a broader pattern of repression of human rights defenders at the hands of State authorities, particularly of defenders who use social media and the Internet to call attention to human rights abuses, engage in legitimate political debate, and call for democratic reforms in the United Arab Emirates. The Special Rapporteur reiterates his concern that the crackdowns against human rights defenders for exercising their right to freedom of expression on social media and the Internet are not isolated incidents, but are part of a broader pattern of human rights violations targeted at activists who have expressed criticism of the Emirati Government and its policies.

640. The Special Rapporteur condemns the targeting of human rights defenders as a consequence of their efforts to advocate for and protect human rights and expresses serious concern regarding the use of counter-terrorism laws to restrict and penalize human rights defenders in the United Arab Emirates including through arrests and spurious criminal charges.

641. In light of the foregoing, the Special Rapporteur calls upon the authorities of the United Arab Emirates to release Mr. Mansoor and Mr. Bin Ghaith from detention immediately. He urges the Government to cease the unacceptable practice of torture and mistreatment of human rights defenders and to create and maintain, in law and practice, a safe and enabling environment in which all human rights defenders can operate.

Other

642. JOL 06/01/2017 Case no: OTH 2/2017 Reply: none to date

Letter sent to the National Human Rights Commission (NHRI) of India following-up on various developments regarding the Foreign Contribution Regulation Act and its adverse impact on the rights and work of a number of human rights defenders in India.

643. JOL 05/04/2017 Case no: OTH 5/2017 Reply: 24/04/2017

Letter sent to the Chair of the Committee on NGOs of the Economic and Social Council, concerning the decision of the Committee not to grant ECOSOC's consultative status to the non-governmental organization Christian Solidarity Worldwide (CSW).

644. JOL 18/04/2017 Case no: OTH 6/2017 Reply: none to date

Letter sent to the President of the Economic and Social Council, concerning the decision of the Committee on NGOs not to grant ECOSOC's consultative status to the non-governmental organization Christian Solidarity Worldwide (CSW).

645. JAL 21/06/2017 Case no: OTH 8/2017 Reply: 12/07/2017

Alegaciones con respecto al presunto involucramiento de un directivo y de un ex empleado de Desarrollos Energéticos SA (DESA) en el asesinato de la defensora de derechos humanos Berta Cáceres en marzo de 2016, así como el posible vínculo de la empresa con campañas de difamación, demandas civiles, intimidaciones y agresiones contra los miembros de la organización no gubernamental Consejo Cívico de Organizaciones Populares e Indígenas de Honduras.

646. JAL 21/06/2017 Case no: OTH 9/2017 Reply: 28/07/2017

Letter sent to the CEO of the Dutch Development Bank (FMO) concerning the lack of follow-up to its announcement of withdrawal of its participation in the Agua Zarca Hydroelectric Project in Honduras following the killing of Mrs. Berta Cáceres, and concerning the process through which civil society actors could input to the review of FMO's Sustainability Policy and the adoption of its Human Rights Position Statement.

647. JAL 21/06/2017 Case no: OTH 10/2017 Reply: 07/08/2017

Letter sent to Chevron Corporation concerning its refusal to implement the judgment rendered in 2013 by the National Court of Justice of Ecuador in relation to

reparations to indigenous peoples affected by the environmental damage caused by oil exploitation activities in the provinces of Orellana and Sucumbios.

648. JAL 21/08/2017 Case no: OTH 12/2017 Reply: 24/08/2017

Letter sent to Mineral Sands Resources (MSR) concerning the filing of allegedly abusive defamation lawsuits against Tracey Davies, Christine Reddell and Davine Cloete, South African environmental human rights defenders, for having made statements in an academic forum against the company, in relation to MSR's mining activities in the coast of the Western Cape Province.

649. JOL 10/11/2017 Case no: OTH 27/2017 Reply: 13/11/2017

Letter sent to the National Human Rights Commission (NHRI) of India following-up on various developments regarding the Foreign Contribution Regulation Act and its adverse impact on the rights and work of a number of human rights defenders in India.

650. The Special Rapporteur notes that defenders working on the issue of business and human rights are one of the most vulnerable groups of defenders. This is why, during the period covered in this report, the Special Rapporteur has sought to engage in meaningful dialogue with business enterprises on issues surrounding the situation of defenders opposing the negative impacts of their activities. In this context, four communications have been sent to companies seeking additional information and clarifications on specific cases of defenders: OTH 8/2017, OTH 9/2017, OTH 10/2017 and OTH 12/2017.

651. The Special Rapporteur thanks the companies for their replies in the four cases, and refers herewith to the main conclusions arising from these exchanges. The Special Rapporteur also wishes to recall that the situation of defenders working on the issue of business and human rights was the object of analysis of the last report presented to the General Assembly on 19 July 2017 (A/72/170).

652. The Special Rapporteur observes that the work of human rights defenders in the field of business and human rights is to a large extent focused on the protection of land and the environment, as well as the respect for indigenous rights. This appears to be so because one of the more acute and direct negative social impacts of the activities of business enterprises arises from the development of mining, hydroelectric, or oil exploitation projects in circumstances where they severely jeopardize the environment and the livelihoods of entire communities.

653. The Special Rapporteur notes that the cases of the Agua Zarca hydroelectric project in Honduras, the oil exploitation fields by Texaco and Chevron in the Ecuadorian provinces of Orellana and Sucumbios, and the Tormin mineral sands mine in South Africa, which were addressed in the above-mentioned communications, are paradigmatic of this type of social conflicts.

654. The Special Rapporteur would first like to note that at the base of these conflicts lies the imposition of models of development that seem to favour short-term profits and commodification over the needs and aspirations of local populations. As recalled in the Report by the Special Rapporteur to the General Assembly, conflicts around land grabbing and the exploitation of natural resources are doomed to worsen if there is no reassessment of economic and development models that deprive entire communities of their fundamental rights.[10]

655. The Special Rapporteur has identified at least three main types of attacks against human rights defenders in the context of their activism against the negative effect of the activities of business enterprises.

656. The first one consists of direct physical attacks against the life and well-being of human rights defenders. The case of the prominent indigenous leader and defender Ms. Berta Caceres, who was killed allegedly by individuals linked to the Honduran company Desarrollos Energéticos S.A. in retaliation to her opposition against the development of the Agua Zarca hydroelectric project, is a clear illustration of this type of attack.

[10] A/72/170, para 21

657. Human rights defenders are also frequently the object of defamation and smear campaigns sponsored by business enterprises. As alleged in the Agua Zarca case, often companies invest resources to mount campaigns in social or conventional media to misinform and portray defenders as opposing employment and economic development. This has been seen to generate stigmatization against defenders, which may later result in harassment and physical attacks.

658. Lastly, the Special Rapporteur draws his attention to the judicial harassment and criminalization that human rights defenders are often subjects of. The cases of the defenders in the Chevron and the Tormin mineral sands mine are illustrations of this type of intimidation. Companies in these contexts make use of procedures of law established for the protection of legitimate legal interests in an abusive way to overwhelm the human and financial capacities of defenders, seeking to demobilize and silence their work.

659. The Special Rapporteur wishes to make reference to General Assembly resolution 72/247, adopted in November 2017, which reaffirms the urgent need to respect, protect, facilitate and promote the work of those promoting and defending economic, social and cultural rights, as a vital factor contributing towards the realization of those rights, including as they relate to environmental, land and indigenous issues and business activity, as well as development, including through corporate accountability. The resolution also urges non-State actors, including transnational corporations and other business enterprises, to respect, promote and strive for the protection of the human rights and fundamental freedoms of all persons, including human rights defenders, and underlines the need to ensure human rights due diligence and the accountability of, and the provision of adequate remedies by, transnational corporations and other business enterprises, while also urging States to adopt relevant policies and laws in this regard, including to hold all companies to account for involvement in threats or attacks against human rights defenders.

660. The Special Rapporteur concludes by noting that intimidation and attacks against human rights defenders working on the issue of business and human rights usually take place in contexts where governments are under the influence of business enterprises, or where they lack the capacity to duly investigate and prosecute the perpetrators. In this sense, the Special Rapporteur recalls the duty under article 12 of the Declaration on human rights defenders for States to protect defenders against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of the legitimate exercise of the right to defend human rights, including when perpetrated by private groups or individuals.

Press Releases

661. Press release 9/12/2016

Human rights under increasing attack worldwide.

662. Press release 16/12/2016

Human rights defenders under growing legal pressure in the OPT – UN rights experts.

663. Press release 23/3/2017

Human Rights Council this afternoon extends on foreign debt, human rights defenders, on minority issues, and adequate housing.

664. Press release 25/10/2017

Human rights defenders face worsening risks for challenging firms, UN expert warns.

665. Press release 27/11/2017

Latin America and Caribbean urgently need strong, legally binding treaty on environmental rights, say UN experts.

666. Press release 10/11/2017

UN experts urge ASEAN summit to address regional human rights concerns.

Annex

Abbreviations

EU- European Union

ICCPR – International Covenant on Civil and Political Rights

LGBTI - Lesbian, gay, bisexual, transgender and intersex

NGO – Non-Governmental Organization

UDHR- Universal Declaration of Human Rights

UN- United Nations

UPR – Universal Periodic Review

CAT - *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*

Abréviations

DUDH- Déclaration universelle des droits de l'homme

EPU - Examen Périodique Universel

LGBTI- Lesbiennes, gays, bisexuelle, bisexuels, transgenres, intersexuels

NU- Nations Unies

ONG – Organisation non-gouvernemental

PIDCP - Pacte international relatif aux droits civils et politiques

UE- Union Européenne

CAT - La Convention contre la torture et autres peines ou traitements cruels, inhumains ou dégradants

Who is a defender?

1. "Human rights defender" is a term used to describe people who, individually or with others, act to promote or protect human rights. Human rights defenders are identified above all by what they do and it is through a description of their actions and of some of the contexts in which they work that the term can best be explained. For more information, please see: http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Defender.aspx.

Communications

2. The Special Rapporteur takes up, with the States concerned, individual cases of human rights violations committed against defenders.

Where does the information come from?

3. Information on such cases is received through a variety of sources including individual defenders, NGOs and United Nations agencies.

What happens when the information reaches the Special Rapporteur?

4. As information arrives the Special Rapporteur first seeks to determine if it falls within the mandate.

5. Secondly, every effort is made to determine the probable validity of the allegations of human rights violation and the reliability of the source of the information. Often, important details may be missing from the information initially received and the OHCHR staff supporting the Special Rapporteur's mandate contact sources to collect additional information.

6. Thirdly, the Special Rapporteur then makes contact with the Government of the State where the alleged violation is thought to have occurred. Contact is usually conducted through an "Urgent appeal" or "Allegation" letter addressed to the State's diplomatic mission with the United Nations in Geneva for transmission to capitals. The letters provide details of the victim, the human rights concerns and the alleged events.

7. "Urgent appeal" letters are used to communicate information on a violation that is allegedly ongoing or about to occur. The intention of these letters is to ensure that the appropriate State authorities are informed as quickly as possible of the relevant circumstances so that they can intervene to end or prevent violations. For example, a death threat that is reportedly made against a human rights lawyer in response to the lawyer's human rights work would be addressed through an Urgent appeal letter.

8. "Allegation" letters are used to communicate information on violations that are thought to have already occurred and for which the impact on the defender affected can no longer be changed. These kinds of letters are used, for example, in instances where information only reaches the Special Rapporteur long after the events have occurred or where the human rights abuse has already been committed and reached a conclusion. For example, where a defender has been killed this would be raised with States through an allegation letter.

Allegations that cover several human rights issues

9. The Special Rapporteur constantly consults with Special Rapporteurs whose own mandates are implicated in a particular case and frequently sends joint letters of concern with these mandate holders.

What is the objective of the Special Rapporteur's intervention?

10. The primary objective of these letters is to protect human rights defenders by ensuring that State authorities are informed of allegations as early as possible and that they have an opportunity to investigate them and to end or prevent any human rights violation. With both Urgent appeals and Allegation letters, the Special Rapporteur requests the Government to take all appropriate action to investigate and address the alleged events and to communicate the results of its investigation and actions to the Special Rapporteur. Allegation letters focus primarily on asking the State authorities to proceed with an investigation of the events and to conduct criminal prosecutions of those responsible.

How much time does the process take?

11. The Special Rapporteur and assisting OHCHR staff try to react as quickly as possible to allegations, with special attention given to the most serious and urgent cases. In many instances, a case is taken up by the Special Rapporteur with the concerned Government within a few hours of the information being received from the source. In instances, where insufficient information is available in the initial contact it can take several days to gather and clarify sufficient information for contact to be made with a government.

What happens next?

12. Ideally, the Government will react immediately to the Special Rapporteur's letter and investigate the alleged facts, taking action to prevent or end any violation. Governments are urged, under the Human Rights Council resolution renewing the Special Rapporteur's mandate, to respond to the letters sent. In many instances, responses are not received, are received several months later or do not address the substantive concerns raised by the Special Rapporteur.

13. If the Special Rapporteur does not receive a rapid response from a Government, particularly with regard to an urgent and very serious case, then additional efforts are made to follow-up with the Government concerned, via contact with its representation at the United Nations in Geneva. Resource limitations make it impossible for the Special Rapporteur to follow-up on every case.

Who can submit information, and how?

14. Any individual, group, civil-society organization, inter-governmental entity or national human rights body can submit information to the Special Procedures. The submission form is available on the following webpage https://spsubmission.ohchr.org.

15. It includes information that is both required and desirable in order for experts to properly examine a case and take action as needed. If it is not possible to complete the form online, the submission can be sent via e-mail to urgent-action@ohchr.org. Post submissions may be sent to OHCHR-UNOG, 8-14 Avenue de la Paix, 1211 Geneve 10, Switzerland. In order to keep track of submissions, it is advised to use the online form.

What happens with a submission?

16. When received, information is screened and directed to concerned Special Procedures mandates. If information has been submitted through the online form or by e-mail, an automatic acknowledgement confirming that submission has been received will follow. This does not mean that experts have taken action on the submission.

17. If one or more expert(s) send(s) a communication on the basis of a submission, the person who made the submission will not be notified, as this information remains confidential until the communication is published in one of the three reports compiling the communications to the Human Rights Council each year.

18. For more information on these reports please see:

http://www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx

19. Subsequent to the submission of an allegation, it is essential to keep the mandate holder updated by sending on information of any positive or negative developments which may occur and which bring about a change in the situation of the victim(s).

Consent and confidentiality

20. Because communications are aimed at soliciting a response on the measures taken to stop, investigate the violations, punish those responsible and provide remedies to victims, these have to be as comprehensive, detailed and precise as possible. Therefore, communications sent to a Government or an inter-governmental organization, a business, a military or a security company, will by default include the name(s) of the alleged victim(s). However, if the victim(s) or her/his/their representatives make(s) it clear in the submission that concerns relating to the security of the alleged victim(s) exist(s), the experts may exceptionally decide to withhold the victims' names from the communication.

21. Reports compiling communications sent and responses received are published in a report prepared for each session of the Human Rights Council. These reports contain the letters sent by the experts, including the names of the alleged victims – except alleged victims under 18 years of age or alleged victims of sexual violence, whose names are not published. If it is clear from the submission that concerns relating to the security of the alleged victim(s) exist, the report will not mention the victim(s) by name.

22. The identity of the source of information on the alleged violation is always kept confidential. When submitting information, the source may indicate whether there are any other details that should remain confidential. It is extremely important that alleged victims and/or their families or representatives indicate in their submissions whether they DO or DO NOT consent that:

- the names of the victims be disclosed in the communications to Governments, intergovernmental organizations, businesses, military or security companies.
- the names of the victims appear in a public report to the Human Rights Council.

What are the criteria applied to act on a submission?

23. The experts will decide whether she/he will take action on a given submission, on the basis of the information received and the scope of her/his mandate. This decision depends also on criteria laid down in the Code of Conduct for the experts ("Code of conduct of the Special Procedures mandate-holders of the Human Rights Council", Human Rights Council resolution 5/2):

- the communication should not be manifestly unfounded or politically motivated;
- the communication should contain a factual description of the alleged violations of human rights;
- the language in the communication should not be abusive;
- the communication should be submitted on the basis of credible and detailed information;
- the communication should not be exclusively based on reports disseminated by mass media.

24. The experts will not require that the concerned State has ratified an international or regional human rights treaty, or that the alleged victim has exhausted domestic remedies to send a communication.

The online form

Each page of the online form contains "Help and information" to help users navigate the form. Certain fields are mandatory and marked with an asterisk. These fields must be completed in order to submit the form. The form can be saved at any point and it is possible to come back to it within 24 hours.